

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

ROBOTIC VISION TECHNOLOGIES LLC, a
Nevada Limited Liability Company, and
FREDERICK WEIDINGER, an Individual,

Case No.: 11-12909
Honorable Victoria A. Roberts

Plaintiffs,

v.

ADIL SHAFI, an Individual,

Defendant.

_____ /

REQUEST FOR CLERK'S ENTRY OF DEFAULT
AND
AFFIDAVIT IN SUPPORT

In accordance with Fed. R. Civ. P. 55(a), Plaintiffs Robotic VISION Technologies, LLC, and Frederick Weidinger request that a Clerk's Entry of Default be entered against Defendant Adil Shafi on Count I (Breach of Non-Competition Agreement) and Count III (Unfair Competition) of the Second Amended Complaint for failure to timely plead or otherwise defend by February 13, 2012, as required by the Court's Scheduling Order, Dkt. # 18.

AFFIDAVIT

In support of Plaintiffs' request for Clerk's Entry of Default, I, Thomas G. McNeill, counsel for Plaintiffs, state that:

1. This action originated in the Northern District of Virginia and was transferred to this Court by Order dated July 1, 2011. *See* Exhibit A, N.D. VA. Transfer Order.

2. At the time of the transfer, Defendant Adil Shafi had not filed an answer to either the original Complaint or First Amended Complaint filed in the Northern District of Virginia. *See* Exhibit B, N.D. Va. Docket.

3. On December 19, 2011, the Court entered an order Granting in Part and Denying in Part Defendant's Motion to Dismiss, and granting Plaintiffs leave to file a Second Amended Complaint. *See* Order, Dkt. # 12.

4. On January 13, 2012, the Court entered a Scheduling Order requiring Plaintiffs to file their Second Amended Complaint by January 25, 2012. *See* Exhibit C, Scheduling Order, Dkt. # 18, ¶ 2.

5. In the same Scheduling Order, the Court ordered Defendant to file his answer to the Second Complaint by February 13, 2012. *Id.* ¶ 3.

6. Plaintiffs filed their Second Amended Complaint on January 25, 2012, which was served on counsel for Defendant via the Court's ECF system. *See* Exhibit D, ECF Notice.

7. On February 13, 2012, Defendant filed a motion to dismiss Count II (Defamation) of the Second Amended Complaint. *See* Exhibit E, Motion to Dismiss, Dkt. # 24. Defendant's motion does not address any other count in the Second Amended Complaint. *See id.*

8. Defendant has failed to timely plead or otherwise defend against Count I (Breach of Non-Competition Agreement) and Count III (Unfair Competition) of the Second Amended Complaint by February 13, 2012, as required by the Court's Scheduling Order. *See* Ex. C, E.D. Mich. Docket.

9. The defendant is not an infant, incompetent person, or a member of military service.

This statement is true and signed under the penalty of perjury.



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